

### **REMARKS**

Applicant has submitted herewith a Supplemental Reissue Declaration addressing the issues raised by the Examiner with respect to the original Reissue Declaration. Specifically, the Supplemental Reissue Declaration indicates that the inventor is the sole inventor, and that the errors arose without any deceptive intention of the part of the Applicant.

Submitted herewith is an offer to surrender the patent, along with the original patent.

The Examiner objected to the drawings under 37 CFR 1.83(a) as lacking the ability of the electrical circuit to display compass direction, as claimed in claim 31. Upon indication by the Examiner that claim 31, or other claim reciting the display of compass direction, Applicant will amend the drawings to illustrate this ability schematically.

Applicant notes that claims 1-31 were rejected by the Examiner as being based on a defective reissue declaration, and claim 24 was further objected to by the Examiner because a period was missing. Applicant believes that the Supplemental Reissue Declaration and the addition of the period to claim 24 has overcome these rejections and objection.

The Examiner rejected claims 28 through 30 under 35 USC § 251, asserting that these claims are distinct and separate from the claims of the patent and are not directed to the same invention as that disclosed as being the invention in the original patent. Applicant respectfully disagrees. Claims 28 through 30 are directed to the invention disclosed in the original patent. Claims 28 through 30 are genus claims to the firearm monitoring device species of the original claims of the patent. This has been clarified by claims 33, 35 and 37. Applicant asserts that claims 28 through 30 are properly presented in this application and requests that the Examiner withdraw this ground of rejection.

The Examiner rejected claim 27 under 35 USC § 103(a) as being unpatentable over Sayre in view of Morris et al. Claim 27 as re-presented by this Amendment recites that the electrical circuit is configured to determine that the firearm had been discharged based solely on receipt of the first signal. In contrast, Sayre specifically teaches the use of an auxiliary signal, disclosed as an acoustic switch, to verify the signal generated by a dynamic switch.

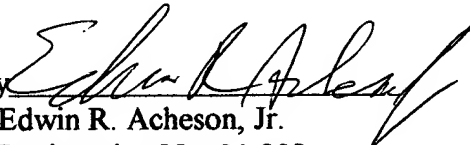
The Examiner rejected claim 31 under 35 USC § 103(a) as being unpatentable over Sayre in view of Harthcock. Applicant has revised claim 31 from its originally presented independent form to be dependant from claim 22.

Applicant respectfully submits that all of the claims are allowable.

As previously authorized by the transmittal letter of October 22, 1998, please charge any filing fees for this Amendment to Deposit Account No. 06-2226.

Respectfully submitted,

KENNETH L. BRINKLEY

By 

Edwin R. Acheson, Jr.  
Registration No. 31,808  
Attorney for Applicant(s)  
FROST & JACOBS  
2500 PNC Center  
201 East Fifth Street  
Cincinnati, Ohio 45202  
(513) 651-6708

583014.03